

IN RE: DEVELOPMENT PLAN HEARING and \* BEFORE THE  
 PETITION FOR SPECIAL HEARING -- \*  
 E/S Morse Lane at Lynhurst Road \* DEPUTY ZONING COMMISSIONER  
 (Beachwood North) \*  
 15th Election District \* OF BALTIMORE COUNTY  
 7th Councilmanic District \*  
 \* Case Nos. XV-357 and 95-371-SPH  
 Beachwood II Limited Partnership \*  
 Owner/Developer \*

\* \* \* \* \*

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer for consideration of a development plan prepared by George W. Stephens, Jr. and Associates, Inc., for the proposed development of the subject property by Beachwood II Limited Partnership, Owner and Developer, with 30 single family dwellings, in accordance with the development plan submitted into evidence as Developer's Exhibit 1. In addition to development plan approval, the Owner/Applicant has filed a Petition for Special Hearing in Case No. 95-371-SPH, to approve one building lot and one non-density H.O.A. parcel on 23.166 acres of R.C. 20 zoned land, in lieu of the permitted one building lot, pursuant to Section 1A05.4.b.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), and to permit the transfer of 4.417 acres of D.R.1 zoned land from Parcel III to Parcel II of the subject site, in accordance with the site plan marked into evidence as Petitioner's Exhibit 1.

The subject property is part of a large tract of land being developed by Beachwood II Limited Partnership and is located on the east side of Morse Lane and borders Back River. The property which is the subject of this hearing concerns Parcels II and III of this development. Parcel II consists of a net area of 46.356 acres, split zoned D.R.1 and R.C.20, and Parcel III contains 11.31 acres of which 4.417 acres are zoned D.R.1 and the remainder is zoned R.C.20. As noted above, the Developer seeks to

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Date

By

MICROFILMED

develop Parcel II with 30 single family dwellings. In order to proceed as proposed, special hearing relief is sought to permit the transfer of the density associated with 4.417 acres of D.R.1 zoned land from Parcel III to Parcel II, and to permit one building lot (Lot 15) and one non-density H.O.A. parcel to be located on R.C. 20 zoned land.

Appearing at the public hearing required for this project were Armando Cignarale, a General Partner in the Beachwood II Limited Partnership, Tom Faust, also a representative of Beachwood II, Rick Chadsey and Bernt Petersen with George W. Stephens, Jr. & Associates, Inc., and John B. Gontrum, Esquire, Esquire, attorney for the Owner/Developer. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing. Appearing as concerned citizens were Cabrina Dembow and Ethel Weber, nearby residents of the area.

As to the history of this project, the concept plan conference for this development was conducted on January 3, 1995. As required, a community input meeting was held on February 16, 1995 at the Sparrows Point Senior High School. Subsequently, a development plan was submitted and a conference was held thereon on May 10, 1995. Following the submission of that plan, development plan comments were submitted by the appropriate agencies of Baltimore County and a revised development plan incorporating these comments and bearing a revision date of May 19, 1995 was submitted at the hearing held before me on June 1, 1995.

At the preliminary stage of the public hearing before me, I am required to determine what, if any, agency issues or comments remain unresolved. Several issues were raised by representatives of the various Baltimore County reviewing agencies which were minor in nature and were disposed of at the onset of the hearing. Inasmuch as the Developer agreed

to comply with those minor requests made by the County, there was no need to take testimony on any of those issues. It should be noted, however, that the Department of Environmental Protection and Resource Management (DEPRM) raised an issue concerning the submission of a Critical Areas Findings Plan for this project and whether that plan had received final approval prior to acceptance for filing of the development plan by Baltimore County. It was learned from Ms. Nancy Pentz of DEPRM that much of the information sought to be obtained by DEPRM from the Findings Plan can be obtained and resolved through the submission and approval of the development plan. Simply stated, the filing of a Critical Areas Findings Plan and a Development Plan is duplicitous and can result in a slowing of the development process. The representatives of DEPRM were confident that the information contained on the development plan satisfied Critical Areas requirements. Therefore, the fact that a Critical Areas Findings Plan had not yet been technically approved, does not warrant a denial of this development plan or a postponement of the hearing before me.

There were no other unresolved issues as far as the County reviewing agencies were concerned. The citizens in attendance were then asked whether there were any unresolved issues or concerns they wished to be addressed, at which time, they indicated there were none. Therefore, the development plan as submitted and marked as Developer's Exhibit 1 shall be approved.

As noted above, the Owner/Developer also seeks special hearing approval to permit one building lot and one non-density H.O.A. parcel on 23.166 acres of R.C.20 zoned land on Parcel II, and to permit a density transfer of 4.417 acres of D.R.1 zoned land from Parcel III to Parcel II. Accompanying the Petition for Special Hearing and marked as Petitioner's

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Exhibit 1 was a site plan of the property depicting the D.R.1 and R.C.20 zoned land. As noted on the plan, Parcel III contains 11.31 acres, of which 4.417 acres is zoned D.R. 1 and the remainder zoned R.C. 20. The Owner is desirous of transferring the density associated with the 4.417 acres of D.R.1 zoned land from Parcel III to Parcel II which will provide the density for the proposed development of 30 lots. It should be noted that only the density associated with the D.R.1 zoned land of Parcel III is being transferred and that the R.C. 20 zoned land of Parcel III will retain one buildable lot. Furthermore, the Developer agreed, and shall be required, to place a note on the plan that there will be no density associated with the 4.417 acres of D.R.1 zoned land after its transfer to Parcel II.

Also, pursuant to the Petition for Special Hearing, the Owner has requested that one building lot (proposed Lot 15), and the 13.43 acres of H.O.A. open space that is located along the shoreline of Back River and provides a buffer between the proposed dwellings and Back River, be permitted to exist in the R.C.20 zoned portion of Parcel II. After discussing this request with those in attendance, and a review of the testimony and evidence presented, it was determined that Lot 15 and the H.O.A. open space parcel should be permitted to exist in the R.C. 20 zoned portion of Parcel II. However, the Developer has agreed to restrict the building envelope for Lot 15 to that area shown on the site plan and that no other disturbance of Lot 15 shall be permitted outside the building envelope.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks

relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Therefore, pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 15<sup>th</sup> day of June, 1995 that the development plan for Beachwood North, identified herein as Developer's Exhibit 1, be and is hereby APPROVED, subject to certain terms and conditions as set forth below; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval of one building lot and one non-density H.O.A. parcel to be located on 23.166 acres of R.C.20 zoned land, in lieu of the permitted one building lot, pursuant to Section 1A05.4.b.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), and to permit the transfer of 4.417 acres of D.R.1 zoned land from Parcel III to Parcel II on the subject site, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Developer shall note on the Development Plan and Petitioner's Exhibit 1, that the 4.417 acres of D.R.1 zoned land to be transferred from Parcel III to Parcel II will have no density associated with it after its transfer.
- 2) The Developer shall show access to and the location of the building lot that is permitted to exist on Parcel III within the R.C.20 zoned portion of the site.
- 3) The Developer shall restrict the building envelope for Lot 15 to that area depicted on Developer's

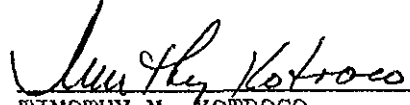
ORDER RECEIVED FOR FILING

Date

By

Exhibit 1. There shall be no further disturbance of Lot 15 other than that area contained within the building envelope.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

  
TIMOTHY M. KOTROCO  
Hearing Officer  
for Baltimore County

TMK:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

June 15, 1995

(410) 887-4386

John B. Gontrum, Esquire  
Romadka, Gontrum & McLaughlin  
814 Eastern Boulevard  
Baltimore, Maryland 21221

RE: DEVELOPMENT PLAN HEARING and PETITION FOR SPECIAL HEARING  
E/S Morse Lane at Lynhurst Road  
(Beachwood North)  
15th Election District - 7th Councilmanic District  
Beachwood II Limited Partnership - Owner/Developer  
Case Nos. XV-357 and 95-371-SPH

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Development Plan has been approved and the Petition for Special Hearing granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Armando Cignarale, General Partner, Beachwood II Ltd. Part.  
2401 York Road, Timonium, Md. 21093

Messrs. Rick Chadsey and Bernt Petersen, G. W. Stephens, Jr. & Assoc.,  
658 Kenilworth Dr., Towson, Md. 21204

Ms. Cabrina Dembow, 4544 Todd Point Lane, Baltimore, Md. 21219  
Ms. Ethel Weber, 4506 Todd Point Lane, Baltimore, Md. 21219

Joseph Maranto, Proj. Mgr., ZADM; DEPRM; DPW; People's Counsel; File





# Petition for Special Hearing

95-371-SPH

## to the Zoning Commissioner of Baltimore County

for the property located at East side of Morse Lane  
which is presently zoned R.C. 20

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

to permit one building lot and one non-density H.O.A. parcel in lieu of the allowed one lot per B.C.Z.R. 1A05.4b.1 and to permit a density transfer of 4.417 acres of D.R.1 from parcel III to parcel II.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessor

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s)

Beachwood II Limited Partnership

(Type or Print Name)

Signature Armando Cignarale, General Partner

(Type or Print Name)

Signature

2401 York Road 560-1182

Address Phone No.

Timonium, MD 21093

City State Zipcode  
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING  
unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE \_\_\_\_\_

Attorney for Petitioner

John B. Gontrum, Esquire

(Type or Print Name)

Signature

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

Address Phone No.

814 Eastern Blvd.

City State Zipcode  
Essex, MD 21221 686-8274

**DROP-OFF  
NO REVIEW**

**4/25/95  
WCR**

ORDER RECEIVED FOR FILING

Date

By



390  
95-371-SP4

FROM THE OFFICE OF  
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.  
ENGINEERS  
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description to Accompany  
Beachwood North, 1 Building Lot  
and 1 Non-Density HOA Parcel

April 20, 1995  
Page -1-

Beginning at a point on the northerly right-of-way of Morse Lane, said point being North 09 degrees 49 minutes 33 seconds West 3078.57 feet more or less, from a point formed by the intersection of the centerlines of Morse Lane and Wise Avenue Extended, running thence leaving said point of beginning, along the following 37 courses:

1. North 24 degrees 01 minutes 58 seconds West 45.00 feet,
2. North 21 degrees 19 minutes 43 seconds West 51.80 feet,
3. North 15 degrees 57 minutes 54 seconds West 381.05 feet,
4. North 25 degrees 14 minutes 04 seconds West 77.01 feet,
5. North 74 degrees 02 minutes 06 seconds East 159.56 feet,
6. South 89 degrees 02 minutes 15 seconds East 780.50 feet,
7. South 58 degrees 56 minutes 30 seconds East 42.91 feet,
8. South 44 degrees 27 minutes 50 seconds East 20.79 feet,
9. South 22 degrees 34 minutes 30 seconds East 90.29 feet,
10. South 30 degrees 57 minutes 30 seconds East 45.16 feet,
11. South 19 degrees 28 minutes 40 seconds East 70.40 feet,
12. South 29 degrees 05 minutes 20 seconds East 56.15 feet,
13. South 21 degrees 53 minutes 50 seconds East 179.55 feet,
14. South 18 degrees 57 minutes 10 seconds East 112.75 feet,
15. South 12 degrees 40 minutes 20 seconds East 94.04 feet,
16. South 01 degrees 11 minutes 01 seconds West 53.50 feet,
17. South 17 degrees 02 minutes 30 seconds East 167.13 feet,
18. South 06 degrees 08 minutes 40 seconds East 93.84 feet,
19. South 25 degrees 57 minutes 30 seconds East 79.51 feet,
20. South 23 degrees 34 minutes 50 seconds East 95.33 feet,
21. South 21 degrees 42 minutes 30 seconds East 109.05 feet,
22. South 26 degrees 04 minutes 50 seconds East 123.47 feet,
23. South 63 degrees 55 minutes 10 seconds West 15.01 feet,
24. South 02 degrees 05 minutes 38 seconds East 231.47 feet,
25. South 10 degrees 00 minutes 00 seconds West 285.00 feet,
26. South 38 degrees 00 minutes 00 seconds West 253.51 feet,
27. North 02 degrees 08 minutes 49 seconds West 187.15 feet,
28. North 07 degrees 13 minutes 55 seconds West 201.30 feet,
29. North 13 degrees 30 minutes 20 seconds West 100.01 feet,
30. North 17 degrees 49 minutes 02 seconds West 97.55 feet,
31. North 25 degrees 40 minutes 07 seconds West 808.75 feet,
32. North 38 degrees 34 minutes 11 seconds West 97.70 feet,
33. North 59 degrees 21 minutes 41 seconds West 102.86 feet,
34. North 71 degrees 33 minutes 10 seconds West 125.47 feet,
35. South 76 degrees 35 minutes 47 seconds West 132.05
36. South 85 degrees 21 minutes 49 seconds West 148.69 feet,

MICROFILMED

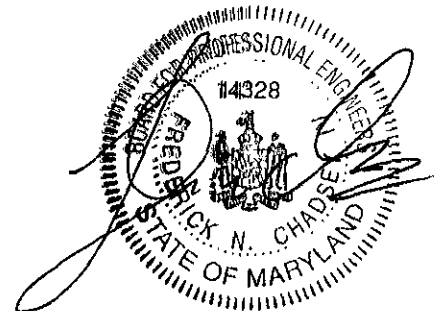
Description to Accompany  
Beachwood North, 1 Building Lot  
and 1 Non-Density HOA Parcel

95-371-SPT  
April 20, 1995  
Page -2-

37. South 89 degrees 44 minutes 41 seconds West 57.32 feet, to the point of beginning.

Containing 23.190 Acres of land more or less.

**Note: The above description is for zoning purposes only and is not to be used for contracts, conveyances or agreements.**



APR 20 1995

390

FROM THE OFFICE OF  
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.  
ENGINEERS  
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

95-371-5PH

Description to Accompany Special Hearing Request  
Beachwood North, Density Transfer

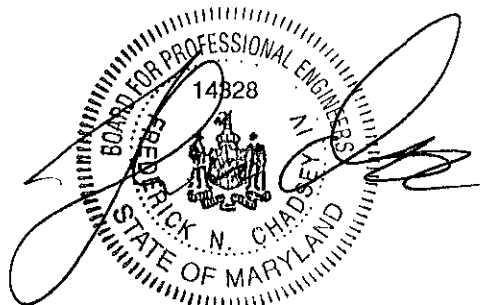
April 20, 1995  
Page -1-

Beginning at a being North 00 degrees 08 minutes 21 seconds East 1080.56 feet more or less, from a point formed by the intersection of the centerlines of Morse Lane and Wise Avenue Extended, running thence leaving said point of beginning, along the following 11 courses:

1. North 05 degrees 44 minutes 38 seconds West 346.25 feet,
2. North 86 degrees 00 minutes 00 seconds East 318.69 feet,
3. North 68 degrees 00 minutes 00 seconds East 264.40 feet,
4. North 38 degrees 00 minutes 00 seconds East 10.59 feet,
5. South 02 degrees 08 minutes 48 seconds West 15.25 feet,
6. South 09 degrees 14 minutes 18 seconds West 94.45 feet,
7. South 17 degrees 59 minutes 45 seconds West 104.42 feet,
8. South 24 degrees 12 minutes 47 seconds West 205.05 feet,
9. South 64 degrees 30 minutes 05 seconds East 142.53 feet,
10. South 06 degrees 43 minutes 14 seconds East 35.93 feet,
11. North 88 degrees 06 minutes 46 seconds West 537.12 feet, , to the point of beginning.

Containing 4.417 Acres of land more or less.

**Note: The above description is for zoning purposes only and is not to be used for contract, conveyances or agreements.**



**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

95-371-SPH

District: 15th Date of Posting: 5/1/95  
Posted for: Special Hearing  
Petitioner: Beachwood Limited  
Location of property: Morse Lane  
Location of Signs: Facing road way on property being zoned  
Remarks: \_\_\_\_\_  
Posted by: M. H. H. H. Date of return: 5/5/95  
Signature  
Number of Signs: 1



## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-371-SPH  
E/S Morse Lane, S of  
Lynhurst Road  
(Beachwood North)  
15th Election District  
7th Councilmanic  
Legal Owner(s):  
Beachwood II Limited  
Partnership  
Hearing: Thursday,  
June 1, 1995 at 9:00 a.m.  
In Rm. 118, Old  
Courthouse.

Special Hearing to permit one building lot and one non-density H.O.A. parcel in lieu of the allowed one lot per B.C.Z.R. 1A05.4b.1 and to permit a density transfer of 4.417 acres of D.R.1 from parcel III to Parcel II.

LAWRENCE E. SCHMIDT

Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Hand-  
capped Accessible; for special ac-  
commodations Please Call  
887-3353.

(2) For Information concern-  
ing the File and/or Hearing, Please  
Call 887-3391.  
5/061 May 4.

# CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/5, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/4, 1995.

THE JEFFERSONIAN,

*A. Henrichson*

LEGAL AD. - TOWSON

~~Publisher~~



Baltimore County  
**Zoning Administration &  
 Development Management**  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

# receipt

95-371-SPH

Account: R-001-6150

Number 390 (WCR)

DROP-OFF --- NO REVIEW

Date 4/25/95

#040 - SPECIAL HEARING ----- \$250.00  
 #080 - SIGN POSTING ----- 35.00  
 TOTAL, ----- \$285.00

Legal Owner: Beachwood II Limited Partnership  
 E/S Morse Lane (Beachwood North)  
 District: 15c7  
 Acreage: 46.356 acres net  
 Zoning: D.R.-1 (23.19 acres); R.C.-20 (23.166 acres)  
 CRITICAL AREA  
 Zoning Cases: 84-360-XA; #88-5-SPH; #93-391-SPH; #R-94-145  
 Attorney: John B. Gontrum

RECEIVED

Check from: Beachwood II Ltd. Partnership

31 APR 1995

\$285.00

80 00024299K05-01-95

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

APRIL 27, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

DEVELOPMENT PLAN HEARING

Project Name: Beachwood North  
Project Number: XV-357  
Developer: Beachwood II Limited Partnership  
Location: E/S Morse Lane, S of Lynhurst Road  
Acres: 46.356  
Proposal: 30 single family dwelling lots.

AND

CASE NUMBER: 95-371-SPH  
E/S Morse Lane, S of Lynhurst Road  
(Beachwood North)  
15th Election District - 7th Councilmanic  
Legal Owner(s): Beachwood II Limited Partnership

Special Hearing to permit one building lot and one non-density H.O.A. parcel in lieu of the allowed one lot per B.C.Z.R. 1A05.4b.1 and to permit a density transfer of 4.417 acres of D.R.1 from parcel III to parcel II.

HEARING: THURSDAY, JUNE 1, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Beachwood II Limited Partnership  
John B. Gontrum, Esq.  
George William Stephens, Jr. and Associates, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

May 25, 1995

John B. Gontrum, Esquire  
814 Eastern Blvd.  
Essex, Maryland 21221

RE: Item No.: 390  
Case No.: 95-371-SPH  
Petitioner: Beachwood II Ltd.  
Partnership

Dear Mr. Gontrum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 25, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)





BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: May 22, 1995

FROM: Pat Keller, Director  
Office of Planning and Zoning

A

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 390, 399, 402, 403 and 407.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL

Tom  
6/1

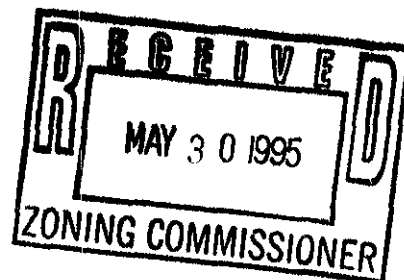
BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

May 30, 1995

FROM: J. Lawrence Pilson *JLP*  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #390 - Beachwood North  
Morse Lane  
Zoning Advisory Committee Meeting of May 8, 1995



The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

See Development Plan Comments dated 5/10/95.

JLP:LS:sp

BEACHWD/DEPRM/TXTSBP

MICROFILMED

WETLAND (NONTIDAL) MEANS THOSE AREAS THAT ARE INUNDATED OR SATURATED BY SURFACE OR GROUND WATER AT A FREQUENCY AND DURATION SUFFICIENT TO SUPPORT, AND THAT UNDER NORMAL CIRCUMSTANCES DO SUPPORT, A PREVALENCE OF VEGETATION TYPICALLY ADAPTED FOR LIFE IN SATURATED SOIL CONDITIONS, COMMONLY KNOWN AS HYDROPHYTIC VEGETATION. THE DETERMINATION OF WHETHER AN AREA IS A NONTIDAL WETLAND SHALL BE MADE IN ACCORDANCE WITH THE PUBLICATION KNOWN AS THE "FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS," PUBLISHED IN 1987 AND AS MAY BE AMENDED.

WETLAND (TIDAL) MEANS ALL STATE AND PRIVATE TIDAL WETLANDS, MARSHES, SUBMERGED AQUATIC VEGETATION, LANDS, AND OPEN WATER AFFECTED BY THE DAILY AND PERIODIC RISE AND FALL OF THE TIDE WITHIN THE CHESAPEAKE BAY AND ITS TRIBUTARIES, AND ADDITIONAL TIDAL WETLANDS IDENTIFIED THROUGH SITE INSPECTION BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT THAT ARE SUBJECT TO THE DAILY AND PERIODIC RISE AND FALL OF THE TIDE.

Wildlife corridor means a strip of land having vegetation that provides habitat and a safe passageway for wildlife and is delineated in accordance with COMAR [14.15.09.04C] 27.01.09.04C.

Section 26-439. Official critical area map.

(B) WHERE DISCREPANCIES EXIST BETWEEN THE CRITICAL AREA BOUNDARY SHOWN ON THE OFFICIAL CRITICAL AREA MAP AND THE TIDAL WETLAND BOUNDARY MAP, THE BOUNDARY ON THE TIDAL WETLAND BOUNDARY MAP SHALL PREVAIL; EXCEPT THAT THE CRITICAL AREA BOUNDARY ON THE OFFICIAL CRITICAL AREA MAP SHALL PREVAIL WHERE THIS BOUNDARY IS EXPANDED BEYOND ONE THOUSAND (1000) FEET OF THE LANDWARD BOUNDARIES OF STATE OR PRIVATE TIDAL WETLANDS AND THE HEADS OF TIDES REFERENCED IN ANN. CODE OF MD., NATURAL RESOURCES ARTICLE, § 8-1807(a)(2).

Section 26-442. Critical area [findings] plan requirements AND FINDINGS.

[(a) Following the predevelopment conference specified in section 26-203, an applicant proposing development in the critical area shall prepare a critical area findings plan.

(b) At a minimum, the critical area findings plan shall contain the following information:

- (1) Proposed and existing well and septic areas, if any;
- (2) Water and sewer lines;

- (3) Soil types in accordance with the soil survey of the county;
- (4) Existing topography as shown on county photogrammetric maps or from a source of at least equivalent accuracy;
- (5) Existing tributary streams, bodies of water, springs;
- (6) Existing buildings on the property;
- (7) Tidal and nontidal wetlands;
- (8) Locations and acreage calculations of forest and developed woodland as delineated on the January 1986 county forest and developed woodland aerial photographs. There is a rebuttal presumption that the delineations are accurate; however, in instances of conflict, the determination of the Chesapeake Bay watershed forester shall prevail;
- (9) Identification of any building or property within the proposed development that is included on the Maryland Historical Trust Inventory, the Baltimore County Landmarks Commission Preliminary or Final Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is a county historic district;
- (10) Ownership of the subject property;
- (11) Existing buildings on property adjacent to the subject property;
- (12) Current zoning of the subject property and surrounding properties, including the location of any residential transition areas;
- (13) General schematic proposal for grading, including the anticipated alteration or removal of vegetation or other natural features;
- (14) Proposed lot or building layout with parking;
- (15) Proposed street layout with paving and right-of-way widths indicated;
- (16) Proposed common open space locations and acreage;
- (17) Stormwater management areas and existing and proposed storm drains;
- (18) One-hundred-year floodplains or flood areas for both riverine and tidal areas;

- (19) Existing and proposed county, state, and private streets;
- (20) Census tract, watershed, and subsewershed;
- (21) Vicinity maps showing election and councilmanic districts and site location;
- (22) Subdivision name and applicant's name and address;
- (23) A chart indicating required and proposed area of common open space and parking spaces and indicating the number of units permitted and proposed;
- (24) Location and description of potentially hazardous material as defined by Ann. Code of Md., Environment article, § 7-101;
- (25) Location of existing and proposed easements or rights-of-way, public and private;
- (26) Name and address of person who prepared the plan;
- (27) In the case of a plan proposing open space, the plan shall contain the information required by the open space manual;
- (28) A schematic landscape plan showing existing vegetation and proposed plantings (location and quantity shall be submitted based on the standards contained in the county landscape manual);
- (29) Critical area outer boundary line, if applicable; and
- (30) Any other information, including but not limited to a hydrological study, as specified by the director of environmental protection and resource management.

(c) For development activities proposed within LDA overlay areas or within RC-20 or RC-50 zones, the following additional information is required for the critical area findings plan:

- (1) Locations of forest and developed woodlands proposed to be cleared and number of acres of each;
- (2) Percentage of site covered by impervious surfaces; and
- (3) Slopes greater than fifteen (15) percent.

(d) For development activities proposed within the IDA overlay area, the following additional information is required to be shown on the critical area findings plan:

Pre-development and post-development phosphorus loadings of stormwater. Calculations shall conform with the methodology specified in the report A Framework for Evaluating Compliance With the 10% Rule in the Critical Area published by the Chesapeake Bay Critical Area Commission and Maryland Office of Environmental Programs.]

(a) IN ADDITION TO THE PLAN REQUIREMENTS OUTLINED IN SECTIONS 26-202 AND 26-203 OF THE CODE, THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT MAY REQUIRE ADDITIONAL INFORMATION FROM AN APPLICANT TO EVALUATE WHETHER A PROJECT IS IN COMPLIANCE WITH THE CRITICAL AREA LOCAL PROTECTION PROGRAM.

(b) IN CONJUNCTION WITH PROJECT APPROVAL THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT OR HIS DESIGNEE SHALL PREPARE WRITTEN FINDINGS PURSUANT TO COMAR 27.01.10.01.0 THAT A PROJECT IS CONSISTENT WITH THE FOLLOWING GOALS OF THE CRITICAL AREA LAW:

- (1) MINIMIZE ADVERSE IMPACTS ON WATER QUALITY THAT RESULT FROM POLLUTANTS THAT ARE DISCHARGED FROM STRUCTURES OR CONVEYANCES OR THAT HAVE RUNOFF FROM SURROUNDING LANDS;
- (2) CONSERVE FISH, WILDLIFE, AND PLANT HABITAT; AND
- (3) ESTABLISH LAND USE POLICIES FOR DEVELOPMENT IN THE CHESAPEAKE BAY CRITICAL AREA WHICH ACCOMMODATE GROWTH AND ALSO ADDRESS THE FACT THAT, EVEN IF POLLUTION IS CONTROLLED, THE NUMBER, MOVEMENT, AND ACTIVITIES OF PERSONS IN THAT AREA CAN CREATE ADVERSE ENVIRONMENTAL IMPACTS.

[Section 26-443. Applicability.

The critical area findings plan is required for all development activity within the scope of this article. With the concurrence of the director of the department of environmental protection and resource management, the requirement for a critical area findings plan may be waived by the director of planning for development proposals under the terms of section 26-171.

Section 26-444. Procedure for reviewing findings plan.

(a). Following the predevelopment conference, but prior to the official submission of a development plan, an applicant for development in the critical area shall submit a findings plan to the department of public works. The department of public works shall transmit the findings plan to the department of environmental protection and resource management within five (5) days. Within twenty (20) days of

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

May 5, 1995

John B. Gontrum, Esquire  
Romadka, Gontrum & McLaughlin  
814 Eastern Boulevard  
Essex, MD 21221

RE: Preliminary Petition Review (Item #390)  
Legal Owner: Beachwood II Ltd. Partner.  
15th Election District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

The materials filed under Item #390 are sufficient; however, Parcel III must be documented as a separate and recorded parcel prior to the R.C.-20 regulations. If this is not the case, the special hearing must request two non-density parcels within the R.C.-20.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mitchell J. Kellman".

Mitchell J. Kellman  
Planner II

MJK:scj

Enclosure (receipt)

MICROFILMED



RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
E/S Morse Lane, S of Lynhurst Road	*	
(Beachwood North), 15th Election Dist.,	*	ZONING COMMISSIONER
7th Councilmanic	*	
	*	OF BALTIMORE COUNTY
Beachwood II Limited Partnership	*	
Petitioners	*	CASE NO. 95-371-SPH

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9<sup>th</sup> day of May, 1995, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, Romadka, Gontrum & McLaughlin, P.A., 814 Eastern Boulevard, Baltimore, MD 21221, attorney for Petitioners.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN



NOWICKI & TIRABASSI, P.A.

ATTORNEYS AT LAW

EDGEMERE OFFICE

6916 NORTH POINT ROAD

BALTIMORE CO., MD 21219-1216

(410) 477-8400

FAX (410) 477-4359

JOHN W. NOWICKI  
PHILIP N. TIRABASSI

TOWSON OFFICE  
305 WEST ALLEGHENY AVENUE  
TOWSON, MD 21204  
(410) 825-5986  
FAX (410) 337-0460

BEL AIR OFFICE  
727 NORTH HICKORY AVENUE  
BEL AIR, MD 21014-3026  
(410) 879-0026  
FAX (410) 893-8199

August 2, 2005  
10

Timothy Kotroco, Director  
Permits and Licensing - Baltimore County, Maryland  
111 W. Chesapeake Avenue  
Room 111  
Towson, Maryland 21204

RE: Patrick and Debra Janssen  
Parcel III-11.31 Acres  
In Re: Development Planning Hearing Petition for Special Hearing  
E/S Morse Lane at Lynhurst Road (Beachwood North)  
15<sup>th</sup> Election District  
7<sup>th</sup> Councilmanic District  
Before the Deputy Zoning Commissioner of Baltimore County  
Case Nos. XV-357 and 95-371-SPH

Dear Mr.  Kotroco:

I am writing on behalf of my above referenced clients, who are also my sister and brother-in-law, to respectfully request your intervention at your earliest opportunity in order that they might obtain permits for the building of their residence on the above referenced property.

At this point in time Gast Construction Company has attempted to apply for permits for my clients but was advised that clarification would be needed from you prior to acceptance of the paperwork based upon your Hearing Officers Opinion and Development Plan Order of June 15, 1995. I am not quite certain what problem they need clarification on at this point in time.

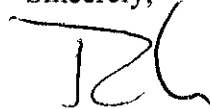
Would you please review the enclosed permit application, correspondence of Mrs. Gast from June 16, 2005 which is self explanatory, August 12, 2003 Department of Environmental Protection and Resource Management correspondence which is self explanatory and your Opinion of June 15, 1995, all of which are enclosed herein. It seems clear to me that your Opinion authorized a residence on the 11.31 acres of Parcel III - Beachwood North. Should you need the plans for your review I will provide them immediately.

Timothy Kotroco, Director  
August 2, 2005  
Page Two

Hopefully my clients will then be able to obtain their permit and begin construction, all of which is on hold pending your review per the Zoning Department.

Thank you for your anticipated cooperation. Please let me hear from you at your earliest opportunity.

Sincerely,



John W. Nowicki

JWN:acf  
Enclosure

RC-20

SPECIAL APPLICANT TO:

ESTABLISH SEPARATE

HISTORY OF THE RC-20

PORTION OF PARCELS

TO JUSTIFY THE UNDERSTANDING

2. COMPLY WITH <sup>CONDITION</sup> <sup>PERMITS</sup> <sup>100-100</sup>

#2 OF ORDER TO

CURRENT RIGHT OF

SLOW ACCESS?

BUILDING SITE.

3. DETERMINE WHAT

THE ORDINANCES <sup>CONDITIONS</sup>

OF CASE #95371/SPH

ARE STILL VALID & VESTED

Carl - let's talk - I think  
John Alex was handling this  
b/c I remember having a mtg  
on this previously - let's review +  
talk. <sup>can I have list</sup>  
T=

# Gast Construction Co., Inc.

11100 Pulaski Highway, White Marsh, MD 21162  
Telephone 410-335-4200  
Accounting Department Fax #410-344-1653  
Sales Department Fax #410-335-0893

<b>Send to: K. L. S. Consultants</b>	<b>From: Mary-Frances Gast</b>
Attention: Mr. Jack Staley	Date: 06/16/2005
Fax Number: 1-410-734-0447	Phone Number: 410-335-4200

- ☐ Urgent
- ☐ Reply ASAP
- ☐ Please comment
- ☐ Please Review
- ☐ For your Information

Total pages, including cover: 9

**Comments:**

Mr. Staley,

I went to Baltimore County today to apply for a building permit for Mr. & Mrs. Janssen and got stopped in my tracks. I ran into two problems that I am unable to remedy.

Problem #1) The environmental department gave me an okay to file but they were very, very negative as to whether all of the setbacks and environmental concerns could be met on the property. I spoke to Glen Schaefer.

Problem #2) The zoning department told me they would not give me an okay to file. I was told I needed to wait until next week when Mr. Kotroco returns from his vacation so he could look at the zoning hearing paperwork and see if he remembers anything about the property. I had met with four zoning officials today. The last official was Mr. Alexander. He did not feel that this property was a site that a home could be built upon.

I hope you are able to sort out this matter for Mr. & Mrs. Janssen. Please let me know what you are able to work out for them.

Thank you very much.

Mary Gast

APPLICATION FOR PERMIT  
BALTIMORE COUNTY MARYLAND  
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT  
TOWSON, MARYLAND 21204

DATE: 6/16/05

OEA: J

HISTORIC DISTRICT/BLDG.

PERMIT #: B  
RECEIPT #: A  
CONTROL #: NE  
XREF #:

PROPERTY ADDRESS 4224A Powers Edge Way  
SUITE/SPACE/FLOOR  
SUBDIV:  
TAX ACCOUNT #: 22 00016055 DISTRICT/PRECINCT  
OWNER'S INFORMATION (LAST, FIRST) 15 1  
NAME: Janssen, Patrick L & Debra N.  
ADDR: 3002 Wells Avenue, Balto. 21219

FEE: 175.15  
PAID: 120.00  
PAID BY:  
INSPECTOR:

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

APPLICANT INFORMATION

NAME: Mary Frances Gast  
COMPANY: Gast Construction Co Inc.  
STREET: 11100 Pulaski Hwy  
CITY, ST, ZIP: White Marsh, MD 21162  
PHONE #: 410-335-4200 MHIC #  
APPLICANT SIGNATURE: [Signature] DRC#  
PLANS: CONST 2 PLOT PLAT 0 DATA 0 EL 1 PL 1  
TENANT  
CONTR: Gast Construction Co Inc  
ENGR:  
SELLR: Ron Kearney  
410-789-0445

DOES THIS BLDG. HAVE SPRINKLERS  
YES NO

TYPE OF IMPROVEMENT

1. NEW BLDG CONST  
2. ADDITION  
3. ALTERATION  
4. REPAIR  
5. WRECKING  
6. MOVING  
7. OTHER

DESCRIBE PROPOSED WORK: 1st flr, w/6 car garage, open rear deck, covered fr. porch, unfin bsmt, 2-1/2 ft (outside proj not to exceed 4' x 10'), 4 Bedrooms.

TYPE OF USE

RESIDENTIAL

01. ONE FAMILY  
02. TWO FAMILY  
03. THREE AND FOUR FAMILY  
04. FIVE OR MORE FAMILY (ENTER NO UNITS)  
05. SWIMMING POOL  
06. GARAGE  
07. OTHER

NON-RESIDENTIAL

08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY  
09. CHURCH, OTHER RELIGIOUS BUILDING  
10. FENCE (LENGTH HEIGHT)  
11. INDUSTRIAL, STORAGE BUILDING  
12. PARKING GARAGE  
13. SERVICE STATION, REPAIR GARAGE  
14. HOSPITAL, INSTITUTIONAL, NURSING HOME  
15. OFFICE, BANK, PROFESSIONAL  
16. PUBLIC UTILITY  
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL  
18. SIGN  
19. STORE MERCANTILE RESTAURANT  
20. SWIMMING POOL  
21. TANK, TOWER  
22. TRANSIENT HOTEL, MOTEL (NO. UNITS)  
23. OTHER

TYPE FOUNDATION

1. SLAB  
2. BLOCK  
3. CONCRETE

BASEMENT

1. FULL  
2. PARTIAL  
3. NONE

TYPE OF CONSTRUCTION

1. MASONRY  
2. WOOD FRAME  
3. STRUCTURE STEEL  
4. REINF. CONCRETE

TYPE OF HEATING FUEL

1. GAS  
2. OIL  
3. ELECTRICITY  
4. COAL

TYPE OF SEWAGE DISPOSAL

1. PUBLIC SEWER  
2. PRIVATE SYSTEM  
3. SEPTIC  
4. PRIVY

TYPE OF WATER SUPPLY

1. PUBLIC SYSTEM  
2. PRIVATE SYSTEM

CENTRAL AIR: 1. 2.  
ESTIMATED COST: \$  
OF MATERIALS AND LABOR

PROPOSED USE: 1st flr SFP  
EXISTING USE: 1st flr vacu-f.

OWNERSHIP

1. PRIVATELY OWNED 2. PUBLICLY OWNED 3. SALE 4. RENTAL

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE  
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS: 6. HIRISE  
1 FAMILY BEDROOMS  
GARBAGE DISPOSAL 1. 2. NO BATHROOMS 2 CLASS 1  
POWDER ROOMS 1 KITCHENS 1 LIBER FOLIO

BUILDING SIZE LOT SIZE AND SETBACKS  
FLOOR 6380 SIZE 11.5 ac.  
WIDTH 81' 4" FRONT STREET  
DEPTH 121' 3" (SIDE STREET  
HEIGHT 35' 4" FRONT SETBK  
STORIES 2 + Basmt SIDE SETBK  
LOT #'S SIDE STR SETBK  
CORNER LOT REAR SETBK  
1. Y 2. N ZONING

APPROVAL SIGNATURES DATE  
BLD INSP :  
BLD PLAN :  
FIRE :  
SEDI CTL :  
ZONING :  
PUB SERV :  
ENVRMNT : OK to file G. Shaffer 6/16/05  
PERMITS : 6/16/05

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

$$248 \times 36 \times 2$$

$$\begin{array}{r} 1279 \\ 1499 \\ 1188 \end{array}$$

$$\begin{array}{r} 3564 \\ 2052 \\ \hline 5616 \\ 1728 \\ \hline 7344 \end{array}$$

$$\begin{array}{r} 40 \\ 12 \\ \hline 52 \end{array}$$

12/21/04

BALTIMORE COUNTY SOIL CONSERVATION DISTRICT  
SEDIMENT AND EROSION CONTROL STANDARD PLAN  
FOR INDIVIDUAL LOT SINGLE-FAMILY  
RESIDENTIAL CONSTRUCTION WITH DISTURBANCE  
NOT TO EXCEED 30,000 SQUARE FEET

LOCATION OF PROJECT:

(i.e., address and/or

detailed description

of location)

Election District: 15

Road Map Coordinates, Page: 45

Block: 14

This Standard Plan for Sediment and Erosion Control is to be used for construction  
of SFD

\_\_\_\_\_ at the above location.

I hereby certify that this project meets the specified limitations and that all requirements for this Standard Plan, as indicated on page 2 of 2, will be met and that all grading and construction will be done according to the requirements and guidelines for Standard plans.

Agency Name (If applicable): First Construction Co. Inc.

Signature of Responsible Individual: Mary Frances First

Printed name Responsible Individual: Mary Frances First

Address: 11100 Pulaski Highway White Marsh MD 21162

Date: 6/14/05 Phone: 410-335-4200

Baltimore County Soil Conservation District

APPROVED FOR SEDIMENT CONTROL

12-21-04

DATE

[Signature]  
DISTRICT OFFICIAL

315-COUNTY-04

PLAN NO.

Technical review for the District by:

[Signature]  
USDA, NATURAL RESOURCES CONSERVATION SERVICE

If a grading permit has not been obtained within two years of  
this approval, this plan shall be re-submitted to the District.

This plan is not valid for issue after 12-31-05.

Date completed copy sent to SCD \_\_\_\_\_

IF ANY OF THE LIMITATIONS FOR THE USE OF A STANDARD PLAN CANNOT BE MET,  
A STANDARD PLAN CANNOT BE USED. IN ADDITION, THIS PLAN MAY BE TERMINATED AT ANYTIME  
BY THE DISTRICT WITH SIXTY (60) DAYS ADVANCE NOTICE. (THIS STANDARD PLAN IS NOT A  
PERMIT - SEE ITEM B., SHEET 2 OF 2.)



August 12, 2003

Mr. Patrick Janssen  
3002 Wells Avenue  
Baltimore, MD 21219-1237

Re: Preliminary Assessment  
Tax Map 52, Parcel 201-4229A Riversedge Way

Dear Mr. Janssen:

The Department of Environmental Protection and Resource Management (DEPRM) has received and reviewed your request about the above referenced site to determine environmental constraints of the site. The parcel is in the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA) and must comply with the following regulations:

1. Tidal waters and tidal wetlands are present according to previous site visits and office reviews. Additionally, barclay soils (a secondary hydric soil) exist on this parcel according to the Baltimore County Soil Survey which may indicate the presence of non-tidal wetlands. A minimum 25-foot buffer is required from the outer edge of any non-tidal wetland. A minimum 100-foot buffer is required from tidal waters, tidal wetlands, and streams. The buffer can be expanded for steep slopes and/or erodible soils. In addition, a 35-foot setback is required from the buffer to be determined for any dwelling to be built. Any disturbance within the buffer to be determined or setback will require a Critical Area Administrative Variance (CAAV).
2. The sum of all man-made impervious areas are limited to 15% of the parcel.
3. The parcel is 100% forested. The maximum amount of forest allowed to be cleared is 30%. There is no free clearing of forest. Any forest cleared (up to 20%) must be replaced on a 1:1 basis onsite or offsite in the same CBCA watershed per a Forest Protection and Establishment Plan. Monetary compensation at a rate of \$0.40 per square foot may be accepted if it is determined that a suitable afforestation area cannot be found. The mitigation is 1.5 times the above-referenced amounts for exceeding 20% clearing. Any clearing over 30% would require a Critical Area Administrative Variance. The natural resources (wetlands, tidal waters) onsite may restrict the amount of forest clearing allowed.
4. Any forest, tidal waters, tidal wetlands, stream, and non-tidal wetland and associated buffer to remain shall be known as an "Critical Area Easement" (CAE) and be recorded as such in Baltimore County Land Records. The CAE is a non-disturbance area that runs in perpetuity with the property.

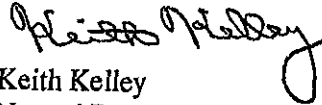
Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



Mr. Patrick Janssen  
August 12, 2003  
Page 2

Please note that no subdivision of the property will be allowed. The property is zoned RC-20 which means that you would need 40 acres of land above mean high tide in order to subdivide. All impervious surface and forest clearing calculations are based on the land of this parcel above mean high tide. Contact me at 410-887-3980 if you have any questions regarding this matter.

Sincerely,



---

Keith Kelley  
Natural Resource Specialist  
Environmental Impact Review

Kdk#20/4229Ariversedge



IN RE: DEVELOPMENT PLAN HEARING and \* BEFORE THE  
 PETITION FOR SPECIAL HEARING \*  
 #/S Morse Lane at Lynhurst Road \* DEPUTY ZONING COMMISSIONER  
 (Beachwood North) \*  
 15th Election District \* OF BALTIMORE COUNTY  
 7th Councilmanic District \*  
 Case Nos. XV-357 and 95-371-SPH  
 Beachwood II Limited Partnership \*  
 Owner/Developer \*

\* \* \* \* \*

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer for consideration of a development plan prepared by George W. Stephens, Jr. and Associates, Inc., for the proposed development of the subject property by Beachwood II Limited Partnership, Owner and Developer, with 30 single family dwellings, in accordance with the development plan submitted into evidence as Developer's Exhibit 1. In addition to development plan approval, the Owner/Applicant has filed a Petition for Special Hearing in Case No. 95-371-SPH, to approve one building lot and one non-density H.O.A. parcel on 23.166 acres of R.C. 20 zoned land, in lieu of the permitted one building lot, pursuant to Section 1A05.4.b.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), and to permit the transfer of 4.417 acres of D.R.1 zoned land from Parcel III to Parcel II of the subject site, in accordance with the site plan marked into evidence as Petitioner's Exhibit 1.

The subject property is part of a large tract of land being developed by Beachwood II Limited Partnership and is located on the east side of Morse Lane and borders Back River. The property which is the subject of this hearing concerns Parcels II and III of this development. Parcel II consists of a net area of 46.356 acres, split zoned D.R.1 and R.C.20, and Parcel III contains 11.31 acres of which 4.417 acres are zoned D.R.1 and the remainder is zoned R.C.20. As noted above, the Developer seeks to

FOR FILING  
 By 10/2

develop Parcel II with 30 single family dwellings. In order to proceed as proposed, special hearing relief is sought to permit the transfer of the density associated with 4.417 acres of D.R.1 zoned land from Parcel III to Parcel II, and to permit one building lot (Lot 15) and one non-density H.O.A. parcel to be located on P.C. 20 zoned land.

Appearing at the public hearing required for this project were Armando Cignarale, a General Partner in the Beachwood II Limited Partnership, Tom Faust, also a representative of Beachwood II, Rick Chadsey and ~~Bernt Petersen with George W. Stephens, Jr. & Associates, Inc., and John B. Gontrum, Esquire, Esquire, attorney for the Owner/Developer.~~ Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing. Appearing as concerned citizens were Cabrina Dembow and Ethel Weber, nearby residents of the area.

As to the history of this project, the concept plan conference for this development was conducted on January 3, 1995. As required, a community input meeting was held on February 16, 1995 at the Sparrows Point Senior High School. Subsequently, a development plan was submitted and a conference was held thereon on May 10, 1995. Following the submission of that plan, development plan comments were submitted by the appropriate agencies of Baltimore County and a revised development plan incorporating these comments and bearing a revision date of May 19, 1995 was submitted at the hearing held before me on June 1, 1995.

At the preliminary stage of the public hearing before me, I am required to determine what, if any, agency issues or comments remain unresolved. Several issues were raised by representatives of the various Baltimore County reviewing agencies which were minor in nature and were disposed of at the onset of the hearing. Inasmuch as the Developer agreed

To comply with those minor requests made by the County, there was no need to take testimony on any of those issues. It should be noted, however, that the Department of Environmental Protection and Resource Management (DEPRM) raised an issue concerning the submission of a Critical Areas Findings Plan for this project and whether that plan had received final approval prior to acceptance for filing of the development plan by Baltimore County. It was learned from Ms. Nancy Pentz of DEPRM that much of the information sought to be obtained by DEPRM from the Findings Plan can be obtained and resolved through the submission and approval of the development plan. Simply stated, the filing of a Critical Areas Findings Plan and a Development Plan is duplicitous and can result in a slowing of the development process. The representatives of DEPRM were confident that the information contained on the development plan satisfied Critical Areas requirements. Therefore, the fact that a Critical Areas Findings Plan had not yet been technically approved, does not warrant a denial of this development plan or a postponement of the hearing before me.

There were no other unresolved issues as far as the County reviewing agencies were concerned. The citizens in attendance were then asked whether there were any unresolved issues or concerns they wished to be addressed, at which time, they indicated there were none. Therefore, the development plan as submitted and marked as Developer's Exhibit 1 shall be approved.

As noted above, the Owner/Developer also seeks special hearing approval to permit one building lot and one non-density H.O.A. parcel on 23.166 acres of R.C.20 zoned land on Parcel II, and to permit a density transfer of 4.417 acres of D.R.1 zoned land from Parcel III to Parcel II. Accompanying the Petition for Special Hearing and marked as Petitioner's

Exhibit 1 was a site plan of the property depicting the D.R.1 and R.C.20 zoned land. As noted on the plan, Parcel III contains 11.31 acres, of which 4.417 acres is zoned D.R. 1 and the remainder zoned R.C. 20. (6.893) The Owner is desirous of transferring the density associated with the 4.417 acres of D.R.1 zoned land from Parcel III to Parcel II which will provide the density for the proposed development of 30 lots. It should be noted that only the density associated with the D.R.1 zoned land of Parcel III is being transferred and that the R.C. 20 zoned land of Parcel III will retain one buildable lot. Furthermore, the Developer agreed, and shall be required, to place a note on the plan that there will be no density associated with the 4.417 acres of D.R.1 zoned land after its transfer to Parcel II.

Also, pursuant to the Petition for Special Hearing, the Owner has requested that one building lot (proposed Lot 15), and the 13.43 acres of H.O.A. open space that is located along the shoreline of Back River and provides a buffer between the proposed dwellings and Back River, be permitted to exist in the R.C.20 zoned portion of Parcel II. After discussing this request with those in attendance, and a review of the testimony and evidence presented, it was determined that Lot 15 and the H.O.A. open space parcel should be permitted to exist in the R.C. 20 zoned portion of Parcel II. However, the Developer has agreed to restrict the building envelope for Lot 15 to that area shown on the site plan and that no other disturbance of Lot 15 shall be permitted outside the building envelope.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks

Relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Therefore, pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein and the restrictions set forth hereinafter.

~~THEREFORE, IT IS ORDERED~~ by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 15<sup>th</sup> day of June, 1995 that the development plan for Beachwood North, identified herein as Developer's Exhibit 1, be and is hereby APPROVED, subject to certain terms and conditions as set forth below; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval of one building lot and one non-density H.O.A. parcel to be located on 23.166 acres of R.C.20 zoned land, in lieu of the permitted one building lot, pursuant to Section 1A05.4.b.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), and to permit the transfer of 4.417 acres of D.R.1 zoned land from Parcel III to Parcel II on the subject site, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Developer shall note on the Development Plan and Petitioner's Exhibit 1, that the 4.417 acres of D.R.1 zoned land to be transferred from Parcel III to Parcel II will have no density associated with it after its transfer.

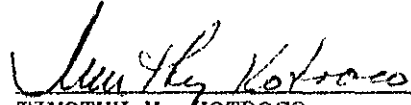
2) The Developer shall show access to and the location of the building lot that is permitted to exist on Parcel III within the R.C.20 zoned portion of the site.

3) The Developer shall restrict the building envelope for Lot 15 to that area depicted on Developer's

Exhibit 1. There shall be no further disturbance of  
lot 15 other than that area contained within the build-  
ing envelope.

Any appeal of this decision must be taken in accordance with  
Section 26-209 of the Baltimore County Code.

TKKibjs



TIMOTHY M. KOTROCO  
Hearing Officer  
for Baltimore County

DATE FILED  
BY

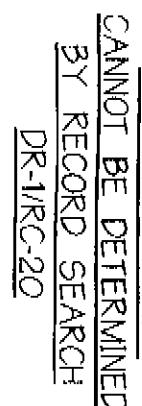


PARCEL

- PARCEL III (DRY AREA)

PARCEL III (DR-1 AREA)

- |    |             |         |
|----|-------------|---------|
| 30 | 568700.00W  | 26.440  |
| 31 | 586700.00W  | 31.689  |
| 32 | 505.44.38 E | 3.46.25 |
| 33 | 488706.46W  | 5.57.12 |
| 34 | 5065.43.00W | 35.9.3  |
| 35 | 484.30.05W  | 142.53  |
| 36 | 42.41.27 E  | 205.05  |
| 37 | 41.59.45 E  | 104.42  |
| 38 | 405714.18 E | 94.45   |
| 39 | 402708.46 E | 15.25   |
| 40 | 538700.00W  | 10.59   |

RC-20

LEGEND

- [illegible]

## ZONING HISTORY

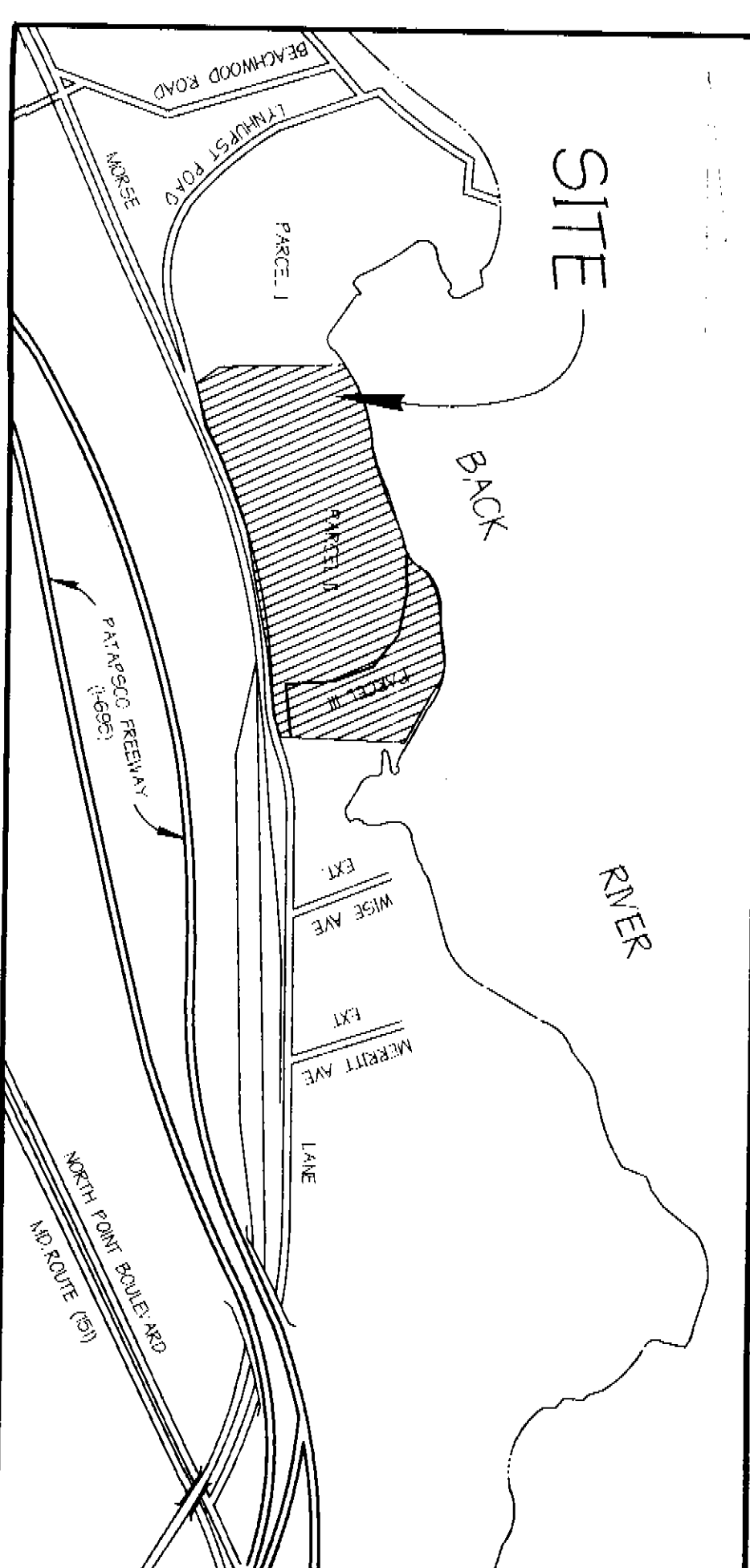
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## SOIL TYPE AND LIMITATIONS

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## LOCATION MAP

SCALE : 1" = 1000'



GENERAL NOTES :

1. AREA OF TRACT/PARCEL IN NET ACRES
2. ZONING/PARCEL I-DR, (23.150 AC.), RC-20 - (22.166 AC)
3. PRESENT LAND USE/VACANT
4. DENSITY CALCULATION:

TS ALLOWED: DR-129,00471 = 29 UNITS AND RC-20 23,166/20 = 1 UNIT

RC:20	PR:1	
23.66	23.190	4
	4.417	
	1.397	1

B. LOTS 5 PROPOSED: 30 SINGLE FAMILY DWELLINGS

1. TOTAL PROPERTY 200 ACRES, 24.5 ACRES  
 2. RANGE 10, LOT 1, SEC 14-4, T4N, R3E  
 3. LOCAL WATERWAY: 1.5 ACRES  
 4. LOCAL OPEN SPACE: 100 ACRES  
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## DEVELOPMENT PLAN

**PLAT TO ACCOMPANY SPECIAL HEARING REQUEST  
AND  
OF**

# BEACHWOOD NORTH

BEACHWOOD II LIMITED PARTNERSHIP  
PARCEL II  
SCALE : 1" = 100' DATE : MARCH 31, 1995 (REVISED APRIL 4, 1995)  
ELECTION DISTRICT 15 COUNCILMANIC DISTRICT 7

PREPARED BY:

GEORGE WILLIAM STEPHENS, JR.

AND ASSOCIATES, INC.

636 KENILWORTH DRIVE, SUITE 100  
TOWSON, MARYLAND 21204  
(410) 281-2100

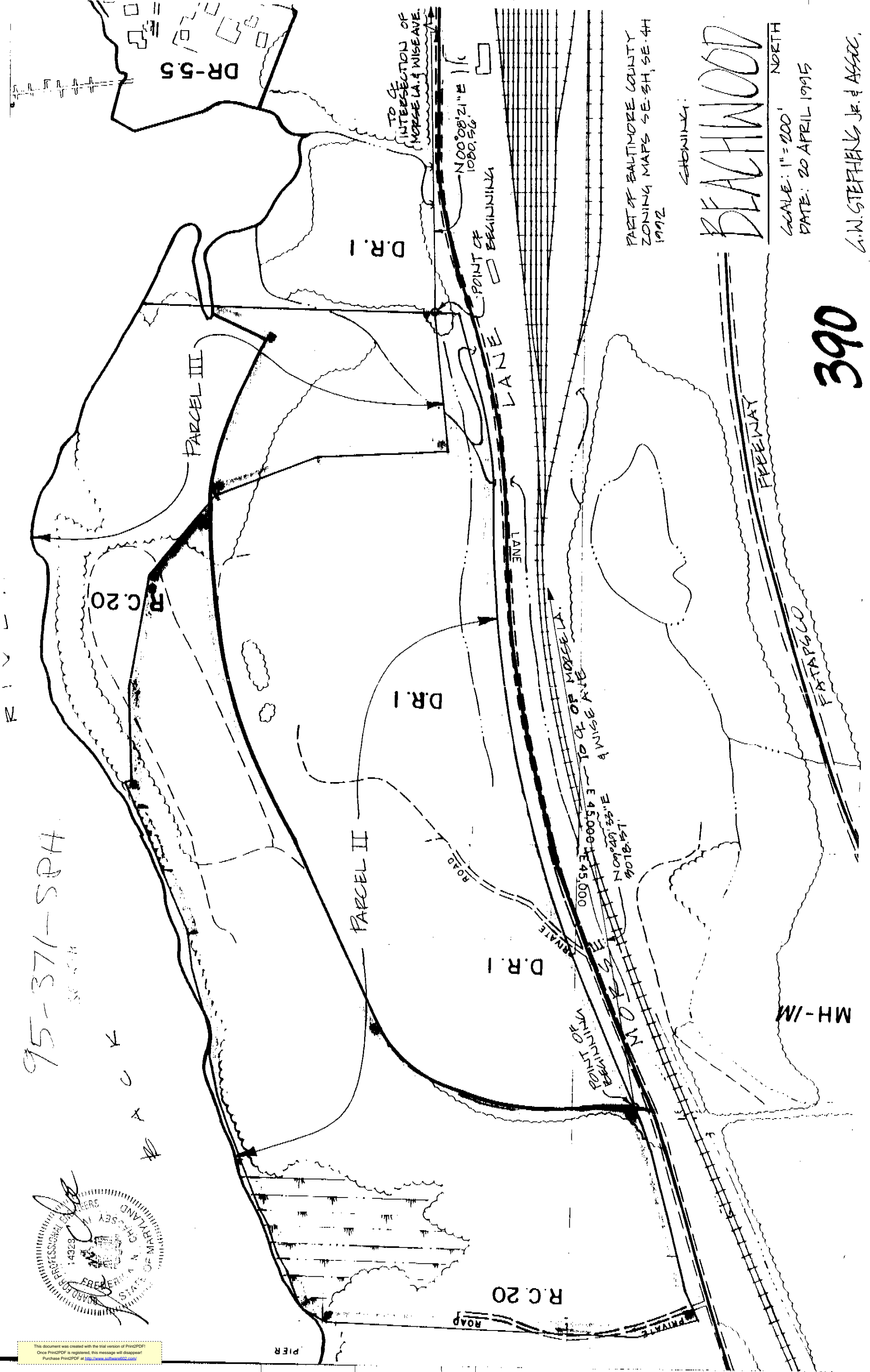
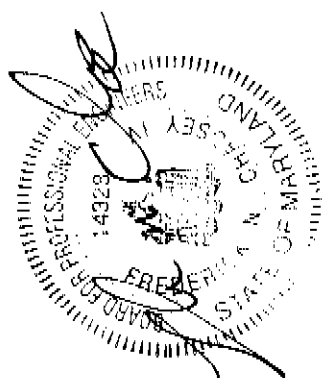
JOHNSON, MARTLAND 2120  
(410) 825-8120







95-371-SPH



PART OF BALTIMORE COUNTY  
ZONING MAPS SE-SH, SE-4H  
1992

SHOWING:

BEACHWOOD

SCALE: 1"=200'  
DATE: 20 APRIL 1995

G.W. STEPHENS JR. & ASSOC.

390







Description to Accompany  
Beachwood North, 1 Building Lot  
and 1 Non-Density HOA Parcel  
April 20, 1995  
Page -1-

Beginning at a point on the northerly right-of-way of Morse Lane, said point being North 09 degrees 49 minutes 33 seconds West 307.85 feet more or less, from a point formed by the intersection of the centerlines of Morse Lane and Wise Avenue Extended, running thence leaving said point of beginning, along the following 37 courses:

1. North 24 degrees 01 minutes 58 seconds West 45.00 feet,
2. North 21 degrees 19 minutes 43 seconds West 51.80 feet,
3. North 15 degrees 57 minutes 54 seconds West 381.05 feet,
4. North 25 degrees 14 minutes 04 seconds West 77.01 feet,
5. North 74 degrees 02 minutes 06 seconds East 159.56 feet,
6. South 89 degrees 02 minutes 15 seconds East 780.50 feet,
7. South 58 degrees 56 minutes 30 seconds East 42.91 feet,
8. South 44 degrees 27 minutes 50 seconds East 20.79 feet,
9. South 22 degrees 34 minutes 30 seconds East 90.29 feet,
10. South 30 degrees 57 minutes 30 seconds East 45.16 feet,
11. South 19 degrees 28 minutes 40 seconds East 70.40 feet,
12. South 29 degrees 05 minutes 20 seconds East 56.15 feet,
13. South 21 degrees 53 minutes 50 seconds East 179.55 feet,
14. South 18 degrees 57 minutes 10 seconds East 112.75 feet,
15. South 12 degrees 40 minutes 20 seconds East 94.04 feet,
16. South 01 degrees 11 minutes 01 seconds West 53.50 feet,
17. South 17 degrees 02 minutes 30 seconds East 167.13 feet,
18. South 06 degrees 08 minutes 40 seconds East 93.84 feet,
19. South 25 degrees 57 minutes 30 seconds East 79.51 feet,
20. South 23 degrees 34 minutes 50 seconds East 95.33 feet,
21. South 21 degrees 42 minutes 40 seconds East 123.47 feet,
22. South 26 degrees 04 minutes 50 seconds East 123.47 feet,
23. South 63 degrees 55 minutes 10 seconds West 15.01 feet,
24. South 02 degrees 05 minutes 38 seconds East 231.47 feet,
25. South 10 degrees 00 minutes 00 seconds West 285.00 feet,
26. South 38 degrees 00 minutes 00 seconds West 253.51 feet,
27. North 02 degrees 08 minutes 49 seconds West 167.15 feet,
28. North 07 degrees 13 minutes 55 seconds West 201.30 feet,
29. North 13 degrees 30 minutes 20 seconds West 100.01 feet,
30. North 17 degrees 49 minutes 02 seconds West 97.55 feet,
31. North 25 degrees 40 minutes 07 seconds West 808.75 feet,
32. North 38 degrees 34 minutes 11 seconds West 97.70 feet,
33. North 59 degrees 21 minutes 41 seconds West 102.85 feet,
34. North 71 degrees 33 minutes 10 seconds West 125.47 feet,
35. South 78 degrees 35 minutes 47 seconds West 132.05 feet,
36. South 85 degrees 21 minutes 49 seconds West 148.89 feet,

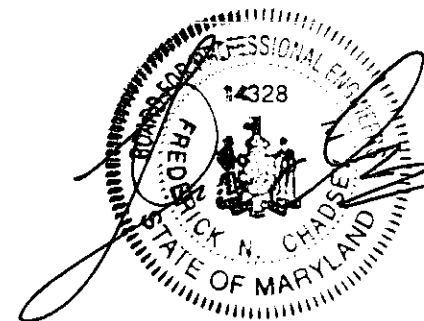
Description to Accompany  
Beachwood North, 1 Building Lot  
and 1 Non-Density HOA Parcel

April 20, 1995  
Page -2-

37. South 88 degrees 44 minutes 41 seconds West 57.32 feet, to the point of beginning.

Containing 23.190 Acres of land more or less.

Note: The above description is for zoning purposes only and is not to be used for contracts, conveyances or agreements.



FROM THE OFFICE OF  
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.  
ENGINEERS  
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

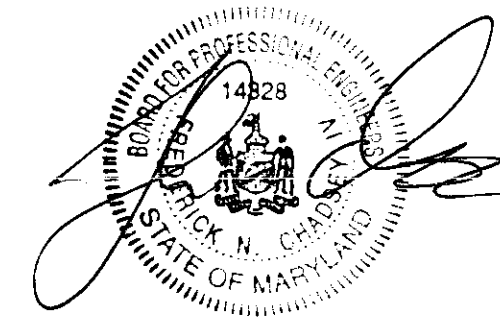
Description to Accompany Special Hearing Request  
Beachwood North, Density Transfer  
April 20, 1995  
Page -1-

Beginning at a being North 00 degrees 08 minutes 21 seconds East 1080.56 feet more or less, from a point formed by the intersection of the centerlines of Morse Lane and Wise Avenue Extended, running thence leaving said point of beginning, along the following 11 courses:

1. North 05 degrees 44 minutes 38 seconds West 346.25 feet,
2. North 88 degrees 00 minutes 00 seconds East 318.68 feet,
3. North 68 degrees 00 minutes 00 seconds East 284.40 feet,
4. North 38 degrees 00 minutes 00 seconds East 10.59 feet,
5. South 02 degrees 08 minutes 48 seconds West 15.25 feet,
6. South 09 degrees 14 minutes 18 seconds West 94.45 feet,
7. South 17 degrees 59 minutes 45 seconds West 104.42 feet,
8. South 24 degrees 12 minutes 47 seconds West 205.05 feet,
9. South 64 degrees 30 minutes 05 seconds East 142.53 feet,
10. South 06 degrees 43 minutes 14 seconds East 35.93 feet,
11. North 88 degrees 06 minutes 46 seconds West 537.12 feet, to the point of beginning.

Containing 4.417 Acres of land more or less.

Note: The above description is for zoning purposes only and is not to be used for contract, conveyances or agreements.



NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:  
Case: #95-371-SPH  
E/S Morse Lane, S of Lyphurst Road (Beachwood North)  
15th Election District  
7th Councilmanic Legal Owner(s): Beachwood II Limited Partnership  
Hearing: Thursday, June 1, 1995 at 9:00 a.m. in Rm. 118, Old Courthouse  
Special Hearing to permit one building lot and one non-density H.O.A. parcel in lieu of the allowed one lot per B.C.Z.R. 1405-4b.1 and to permit a density transfer of 4.417 acres of D-1 from parcel III to Parcel II.  
LAWRENCE E. PILSON  
Zoning Commissioner for Baltimore County  
NOTES: (1) Hearings are handicapped accessible; for special accommodations, please call 887-3353. (2) For information concerning the file and/or hearing, please call 887-3391.  
5/5/95 May 4.

# CERTIFICATE OF PUBLICATION

TOWSON, MD. 5/5, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/4, 1995.

THE JEFFERSONIAN,  
A. Henderson  
LEGAL AD. - TOWSON

Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date 4/25/95

#040 - SPECIAL HEARING ----- \$250.00  
#051 - SIGN POSTING ----- 35.00  
TOTAL ----- \$285.00

Legal Owner: Beachwood II Limited Partnership  
E/S Morse Lane (Beachwood North)  
District: 15c7  
Acreage: 46.356 acres net  
Zoning: D.R.-1 (23.19 acres); R.C.-20 (23.166 acres)  
CRITICAL AREA  
Zoning Cases: #4-360-XA; #88-5-SPH; #93-391-SPH; #R-94-145  
Attorney: John R. Gontrum

Check from: Beachwood II Ltd. Partnership

1140140255R1CHRC \$285.00  
114021297405-01-95  
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

APRIL 27, 1995

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

DEVELOPMENT PLAN HEARING  
Project Name: Beachwood North  
Project Number: 29-357  
Developer: Beachwood II Limited Partnership  
Location: E/S Morse Lane, S of Lyphurst Road  
Acre: 46.356  
Proposal: 30 single family dwelling lots.

CASE NUMBER: 95-371-SPH  
E/S Morse Lane, S of Lyphurst Road (Beachwood North)  
15th Election District - 7th Councilmanic Legal Owner(s): Beachwood II Limited Partnership

Special Hearing to permit one building lot and one non-density H.O.A. parcel in lieu of the allowed one lot per B.C.Z.R. 1405-4b.1 and to permit a density transfer of 4.417 acres of D.R.1 from parcel III to parcel II.

HEARING: THURSDAY, JUNE 1, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon  
Director

cc: Beachwood II Limited Partnership  
John B. Gontrum, Esq.  
George William Stephens, Jr. and Associates, Inc.

NOTES: (1) HEARING ITEM & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE OF THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

May 25, 1995

John B. Gontrum, Esquire  
814 Eastern Blvd.  
Essex, Maryland 21221

RE: Item No.: 390  
Case No.: 95-371-SPH  
Petitioner: Beachwood II Ltd.  
Partnership

Dear Mr. Gontrum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 25, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: May 22, 1995

FROM: Pat Keller, Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 390, 399, 402, 403 and 407.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long

Division Chief: Carl Keller

PK/JL

ITEMS 399/PBONE/ZAC1

BALTIMORE COUNTY, MARYLAND

## DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

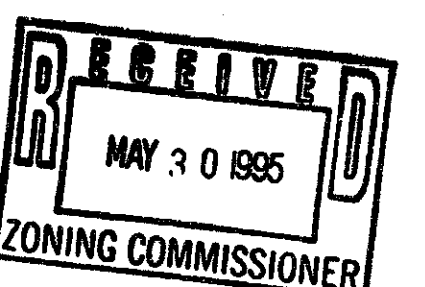
### INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

May 30, 1995

FROM: J. Lawrence Pilson  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #390 - Beachwood North  
Morse Lane  
Zoning Advisory Committee Meeting of May 8, 1995



The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

See Development Plan Comments dated 5/10/95.

JLP:LS:sp

BEACHWD/DEPRM/TXTSBP



DRAFT

WETLAND (NONTIDAL) MEANS THOSE AREAS THAT ARE INUNDATED OR SATURATED BY SURFACE OR GROUND WATER AT A FREQUENCY AND DURATION SUFFICIENT TO SUPPORT, AND THAT UNDER NORMAL CIRCUMSTANCES DO SUPPORT, A PREVALENCE OF VEGETATION TYPICALLY ADAPTED FOR LIFE IN SATURATED SOIL CONDITIONS, COMMONLY KNOWN AS HYDROPHYTIC VEGETATION. THE DETERMINATION OF WHETHER AN AREA IS A NONTIDAL WETLAND SHALL BE MADE IN ACCORDANCE WITH THE PUBLICATION KNOWN AS THE "FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS," PUBLISHED IN 1987 AND AS MAY BE AMENDED.

WETLAND (TIDAL) MEANS ALL STATE AND PRIVATE TIDAL WETLANDS, MARSHES, SUBMERGED AQUATIC VEGETATION, LANDS, AND OPEN WATER AFFECTED BY THE DAILY AND PERIODIC RISE AND FALL OF THE TIDE WITHIN THE CHESAPEAKE BAY AND ITS TRIBUTARIES, AND ADDITIONAL TIDAL WETLANDS IDENTIFIED THROUGH SITE INSPECTION BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT THAT ARE SUBJECT TO THE DAILY AND PERIODIC RISE AND FALL OF THE TIDE.

Wildlife corridor means a strip of land having vegetation that provides habitat and a safe passageway for wildlife and is delineated in accordance with COMAR [14.15.09.04C] 27.01.09.04C.

Section 26-439. Official critical area map.

(B) WHERE DISCREPANCIES EXIST BETWEEN THE CRITICAL AREA BOUNDARY SHOWN ON THE OFFICIAL CRITICAL AREA MAP AND THE TIDAL WETLAND BOUNDARY MAP, THE BOUNDARY ON THE TIDAL WETLAND BOUNDARY MAP SHALL PREVAIL, EXCEPT THAT THE CRITICAL AREA BOUNDARY ON THE OFFICIAL CRITICAL AREA MAP SHALL PREVAIL WHERE THIS BOUNDARY IS EXPANDED BEYOND ONE THOUSAND (1000) FEET OF THE LANDWARD BOUNDARIES OF STATE OR PRIVATE TIDAL WETLANDS AND THE HEADS OF TIDES REFERENCED IN ANN. CODE OF MD., NATURAL RESOURCES ARTICLE, § 8-1807(a)(2).

Section 26-442. Critical area [findings] plan requirements AND FINDINGS.

(a) Following the predevelopment conference specified in section 26-203, an applicant proposing development in the critical area shall prepare a critical area findings plan.

(b) At a minimum, the critical area findings plan shall contain the following information:

- (1) Proposed and existing well and septic areas, if any;
- (2) Water and sewer lines;

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- (3) Soil types in accordance with the soil survey of the county;
- (4) Existing topography as shown on county photogrammetric maps or from a source of at least equivalent accuracy;
- (5) Existing tributary streams, bodies of water, springs;
- (6) Existing buildings on the property;
- (7) Tidal and nontidal wetlands;
- (8) Locations and acreage calculations of forest and developed woodland as delineated on the January 1986 county forest and developed woodland aerial photographs. There is a rebuttal presumption that the delineations are accurate; however, in instances of conflict, the determination of the Chesapeake Bay watershed forester shall prevail;
- (9) Identification of any building or property within the proposed development that is included on the Maryland Historical Trust Inventory, the Baltimore County Landmarks Commission Preliminary or Final Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is a county historic district;
- (10) Ownership of the subject property;
- (11) Existing buildings on property adjacent to the subject property;
- (12) Current zoning of the subject property and surrounding properties, including the location of any residential transition areas;
- (13) General schematic proposal for grading, including the anticipated alteration or removal of vegetation or other natural features;
- (14) Proposed lot or building layout with parking;
- (15) Proposed street layout with paving and right-of-way widths indicated;
- (16) Proposed common open space locations and acreage;
- (17) Stormwater management areas and existing and proposed storm drains;
- (18) One-hundred-year Floodplains or flood areas for both riverine and tidal areas;

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- (19) Existing and proposed county, state, and private streets;
  - (20) Census tract, watershed, and subwatershed;
  - (21) Vicinity maps showing election and councilmanic districts and site location;
  - (22) Subdivision name and applicant's name and address;
  - (23) A chart indicating required and proposed area of common open space and parking spaces and indicating the number of units permitted and proposed;
  - (24) Location and description of potentially hazardous material as defined by Ann. Code of Md., Environment article, § 7-101;
  - (25) Location of existing and proposed easements or rights-of-way, public and private;
  - (26) Name and address of person who prepared the plan;
  - (27) In the case of a plan proposing open space, the plan shall contain the information required by the open space manual;
  - (28) A schematic landscape plan showing existing vegetation and proposed plantings (location and quantity shall be submitted based on the standards contained in the county landscape manual);
  - (29) Critical area outer boundary line, if applicable; and
  - (30) Any other information, including but not limited to a hydrological study, as specified by the director of environmental protection and resource management.
- (c) For development activities proposed within LDA overlay areas or within RC-20 or RC-50 zones, the following additional information is required for the critical area findings plan:
- (1) Locations of forest and developed woodlands proposed to be cleared and number of acres of each;
  - (2) Percentage of site covered by impervious surfaces; and
  - (3) Slopes greater than fifteen (15) percent.
- (d) For development activities proposed within the IDA overlay area, the following additional information is required to be shown on the critical area findings plan:

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Pre-development and post-development phosphorus loadings of stormwater. Calculations shall conform with the methodology specified in the report A Framework for Evaluating Compliance With the 10% Rule in the Critical Area published by the Chesapeake Bay Critical Area Commission and Maryland Office of Environmental Programs.]

(a) IN ADDITION TO THE PLAN REQUIREMENTS OUTLINED IN SECTIONS 26-202 AND 26-203 OF THE CODE, THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT MAY REQUIRE ADDITIONAL INFORMATION FROM AN APPLICANT TO EVALUATE WHETHER A PROJECT IS IN COMPLIANCE WITH THE CRITICAL AREA LOCAL PROTECTION PROGRAM.

(b) IN CONJUNCTION WITH PROJECT APPROVAL, THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT OR HIS DESIGNEE SHALL PREPARE WRITTEN FINDINGS PURSUANT TO COMAR 27.01.10.01.0 THAT A PROJECT IS CONSISTENT WITH THE FOLLOWING GOALS OF THE CRITICAL AREA LAW:

- (1) MINIMIZE ADVERSE IMPACTS ON WATER QUALITY THAT RESULT FROM POLLUTANTS THAT ARE DISCHARGED FROM STRUCTURES OR CONVEYANCES OR THAT HAVE RUNOFF FROM SURROUNDING LANDS;
- (2) CONSERVE FISH, WILDLIFE, AND PLANT HABITAT; AND
- (3) ESTABLISH LAND USE POLICIES FOR DEVELOPMENT IN THE CHESAPEAKE BAY CRITICAL AREA WHICH ACCOMMODATE GROWTH AND ALSO ADDRESS THE FACT THAT, EVEN IF POLLUTION IS CONTROLLED, THE NUMBER, MOVEMENT, AND ACTIVITIES OF PERSONS IN THAT AREA CAN CREATE ADVERSE ENVIRONMENTAL IMPACTS.

[Section 26-443. Applicability.

The critical area findings plan is required for all development activity within the scope of this article. With the concurrence of the director of the department of environmental protection and resource management, the requirement for a critical area findings plan may be waived by the director of planning for development proposals under the terms of section 26-171.

Section 26-444. Procedure for reviewing findings plan.

(a) Following the predevelopment conference, but prior to the official submission of a development plan, an applicant for development in the critical area shall submit a findings plan to the department of public works. The department of public works shall transmit the findings plan to the department of environmental protection and resource management within five (5) days. Within twenty (20) days of

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Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

May 5, 1995

John B. Gontrum, Esquire  
Romacka, Gontrum & McLaughlin  
814 Eastern Boulevard  
Essex, MD 21221

RE: Preliminary Petition Review (Item #390)  
Legal Owner: Beachwood II Ltd. Partner,  
15th Election District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

The materials filed under Item #390 are sufficient; however, Parcel III must be documented as a separate and recorded parcel prior to the R.C.-20 regulations. If this is not the case, the special hearing must request two non-density parcels within the R.C.-20.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Mitchell J. Kellman  
Planner II

MJK:scj

Enclosure (recept)

RE: PETITION FOR SPECIAL HEARING  
E/S Morse Lane, S of Lynhurst Road  
(Beachwood North), 15th Election Dist.,  
7th Councilmanic  
Beachwood II Limited Partnership  
Petitioners  
\* \* \* \* \*

BEFORE THE  
\* \* \* \* \*  
ZONING COMMISSIONER  
\* \* \* \* \*  
OF BALTIMORE COUNTY  
\* \* \* \* \*  
CASE NO. 95-371-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of May, 1995, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, Romacka, Gontrum & McLaughlin, P.A., 814 Eastern Boulevard, Baltimore, MD 21221, attorney for Petitioners.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

